

REMARKS

Claims 1-11 remain in the application for further prosecution. Claim 1 has been amended. New claim 11 has been added.

Claim Rejections - 35 U.S.C. § 103(a)

Independent claim 1 claims a display including a video portion and a non-video portion. The claim also recites a “unitary touch screen overlapping both said video portion and said non-video portion.” The video portion includes “player-selectable first indicia selectable via said unitary touch screen,” while the non-video portion includes “permanent player-selectable second indicia selectable via said unitary touch screen.” Claim 1 has been amended to recite that the video portion displays a plurality of symbols indicating a randomly selected outcome of a wagering game.

As stated previously stated, Saffari is directed a game that involves a player positioning sequentially provided symbols. *See* Abstract. As noted by the Examiner, Saffari discloses the use of a touch screen panel. As an **alternative embodiment**, Saffari discloses the use of permanent buttons on a button panel. Col. 2, l. 64 – col. 3, l. 5 (“In another embodiment depicted in FIG. 5, the display includes indicia 522a, 522b, 522c). There is no disclosure in Saffari of having a unitary touch screen over both a video and non-video portions such that **both** the video and non-video portions including player-selectable indicia selectable by the touch screen.

Bruzzese discloses a touch screen 34 and a graphical display 38. However, Bruzzese does not disclose a video portion that displays a plurality of symbols that indicate a randomly selected outcome of a wagering game. As shown in Bruzzese, the graphical display 38 is located below the reels 44, 46, 48, 50, 52 (FIG. 4). The graphical display 38 is not involved in the

wagering game. In fact, Bruzzese teaches away from such a device. The purpose of Bruzzese is to incorporate some touch screen technology while still keeping the mechanical reels. This is discussed in the Background section of Bruzzese, where it states “[e]ven though video gaming machines utilise more technologically advanced component parts, there is still a significant demand amongst players of gaming machines for the older-style spinning reel machine.” Col. 1, ll. 37-40.

In order to prove a *prima facie* case of obviousness, there must be some suggestion or motivation to combine the references. The prior art references must be considered in their entirety, including portions that lead away from the claimed invention. *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983). Bruzzese teaches away from utilizing a video screen to display the wagering game. As discussed above, Bruzzese is directed to utilizing a touch screen and mechanical reels. The point of Bruzzese is to combine the old-fashioned mechanical reels with the modern technology of a touch screen. To remove the mechanical reels would be to go against the purpose and teaching of Bruzzese. Therefore, because Bruzzese teaches away from the combination with Saffari, independent claim 1 is believed to be allowable over the combination of Saffari and Bruzzese.

Claim 4 is dependent on claim 1, and, thus, includes the limitation of a unitary touch screen that overlaps a non-video portion such that the non-video portion includes permanent player-selectable indicia that are selectable via the touch screen, as well as the limitation that the video portion displays a wagering game. As stated above, it is the Applicant’s belief that Saffari and Bruzzese are not properly combinable to disclose these features. Without both of these

references, not all of the features are disclosed. Therefore, claim 4 is believed to be allowable over these references.

Claim 10 is also dependent upon claim 1, and, therefore, includes the same touch screen and video portion limitations discussed above in reference in claim 1. The Examiner asserts that claim 10 is rendered obvious by the combination of Saffari, Bruzzese, and U.S. Pat. No. 6,089,976 to Schneider et al ("Schneider"). Schneider discloses a bonus game in which a player uses a touch screen to select icons. Once the player has selected two icons that reveal the same bonus prize, the player is awarded the revealed bonus prize. Schneider does not disclose a touch screen that extends over a non-video portion. As illustrated in FIG. 1 of Schneider, the disclosed touch sensitive screen 16 extends only over the video portion of the game.

As stated above with respect to claim 1, Bruzzese and Saffari are not properly combinable to disclose the limitations of claim 1. Without both Bruzzese and Saffari, not all of the features of claim 10 are disclosed. Therefore, for at least this reason, claim 10 is believed to be allowable over the combination of Saffari, Bruzzese, and Schneider.

New independent claim 11 is similar to former dependent claim 4 but requires that each of the second indicia is independently illuminated. It is the Applicant's belief that none of the prior art, either alone or in combination, discloses such a feature. Bridgeman discloses using a light circuit to "light up the buttons to indicate that the key activators 236 are ready to accept data." Col. 6, ll. 1-2. There is no disclosure in Bridgeman of each of the activators being able to be independently illuminated. Instead, Bridgeman discloses using a single light circuit 238 (FIG. 2) to illuminate all of the key activators. Therefore, new independent claim 11 is believed to be allowable over the prior art.

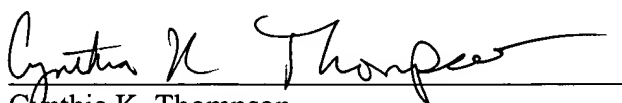
Conclusion

It is the Applicant's belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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